

House File 218 - Introduced

HOUSE FILE 218

BY RUNNING-MARQUARDT

A BILL FOR

1 An Act relating to criminal and abuse registry background
2 checks for health-related employment and the requirements
3 for requesting Iowa criminal history data.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, subsection 1, paragraph b, Code
2 2013, is amended to read as follows:

3 b. Prior to employment of a person in a facility, the
4 facility shall request that the department of public safety
5 perform a criminal history check and the department of human
6 services perform child and dependent adult abuse record checks
7 of the person in this state. Each of the departments shall
8 complete the record check and respond to the facility within
9 ten business days of receiving the request. A facility
10 shall inform all persons prior to employment regarding the
11 performance of the record checks and shall obtain, from
12 the persons, a signed acknowledgment of the receipt of the
13 information. A facility shall include the following inquiry in
14 an application for employment:

15 Do you have a record of founded child or dependent adult abuse
16 or have you ever been convicted of a crime other than a simple
17 misdemeanor offense relating to motor vehicles and laws of the
18 road under chapter 321 or equivalent provisions, in this state
19 or any other state?

20 Sec. 2. Section 692.2, subsection 1, paragraph b,
21 subparagraph (2), Code 2013, is amended to read as follows:

22 (2) The request must identify a specific person by name,
23 social security number, and date of birth. Fingerprints of the
24 person named may be required.

25 Sec. 3. STUDY OF BACKGROUND CHECK IMPROVEMENTS. The
26 department of inspections and appeals, in conjunction with
27 the departments of human services, public health, and public
28 safety, shall study the potential for applying new technologies
29 and other improvements that may be implemented for expediting
30 the current processes of performing and evaluating child and
31 dependent adult abuse and criminal record checks of persons
32 providing health care services. The study shall identify
33 options which would allow employers to conduct the checks in
34 real time. In addition, the study shall identify processes
35 which would allow the record check results and any evaluations

1 of results to be more portable for the persons who are subject
2 to the record checks. The department shall submit a report
3 with findings and recommendations to the governor and general
4 assembly on or before December 15, 2013.

5

EXPLANATION

6 This bill relates to criminal and abuse registry checks for
7 health-related employment and requests for criminal history
8 data.

9 Code section 135C.33, relating to criminal and child or
10 dependent adult abuse record checks of employees of health
11 care facilities and certified nurse aide student trainees, is
12 amended. The record check requirement applies to prospective
13 employees of nursing facilities, residential care facilities,
14 and intermediate care facilities for persons with mental
15 illness or a developmental disability, various in-home service
16 providers, hospices, Medicaid waiver service providers, elder
17 group homes, and assisted living programs. The requirement
18 also applies to nurse aide students pursuant to Code section
19 152.4(3)(d). Upon the request of an employer, the department
20 of public safety performs the criminal record checks and the
21 department of human services performs the abuse registry
22 checks. The records checked are in this state. The bill
23 requires both departments to complete the record checks and
24 respond to the requester within 10 business days of receiving
25 the request.

26 Under Code section 692.2, any person or public or private
27 agency may request information from the criminal history
28 data maintained by the department of public safety, subject
29 to various restrictions. One of the restrictions in current
30 law requires identification of a specific person by name and
31 date of birth. The form utilized by the department for such
32 requests recommends inclusion of a social security number. The
33 bill requires inclusion of the social security number.

34 The department of inspections and appeals, in conjunction
35 with the departments of human services, public health,

1 and public safety, is required to study the potential for
2 applying new technologies and other improvements that may be
3 implemented for expediting the current processes of performing
4 and evaluating child and dependent adult abuse and criminal
5 record checks of persons providing health care services and for
6 making other improvements in the processes. The department is
7 required to report with findings and recommendations to the
8 governor and general assembly on or before December 15, 2013.